

**PRETRIAL DIVERSION AGREEMENT  
IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION**

2008 NOV 21 AM 9:56

*M. Davis*

IN RE Joseph Diggs

Case No. 1:08CR00101-001

The Court has been advised that Joseph Diggs has entered into a pretrial diversion agreement dated November 5, 2008, with the United States Attorney's Office. A copy of the agreement is attached to this order and is incorporated by reference.

The pretrial diversion agreement includes a condition that requires Joseph Diggs to make restitution in the amount of \$15,168 to Joseph Shelton, Jr., at 2548 Central Avenue, Augusta, Georgia 30904.

It is ORDERED that the clerk of the court accept and receive restitution payments from Joseph Diggs and disburse them to Joseph Shelton Jr., at 2548 Central Avenue, Augusta, Georgia 30904 in accordance with the pretrial diversion agreement and in the manner in which restitution payments are received and disbursed for criminal judgments.

*William T. Moore, Jr.*

William T. Moore, Jr.  
Chief Judge, U.S. District Court

*Nov. 21, 2008*

Date

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

UNITED STATES OF AMERICA                     )  
   )  
   )  
   )  
   )  
   )  
JOSEPH DIGGS                                     )

v.

AGREEMENT FOR PRETRIAL DIVERSION

It appearing that you are reported to have committed an offense against the United States between October 1, 2003, and March 14, 2005, being a violation of Title 38, United States Code, Section 6101; (involving the embezzlement of approximately \$15,168 from Armed Services Veteran J.S.) and,

Upon your accepting responsibility for your behavior and by your signature on this Agreement;

After an investigation of the offense, and your background, it appearing that the interests of justice, the interests of the United States, and your own interests will best be served by the following procedure; therefore,

On the authority of the Attorney General of the United States, by Edmund A. Booth, Jr., United States Attorney for the Southern District of Georgia, prosecution in this District for this offense shall be deferred for the period of 12 months from this date, provided you abide by the following conditions and the requirements of the program set out below.

Should you violate the conditions of this supervision, the United States Attorney may revoke or modify any conditions of this pretrial diversion program or change the period of supervision which shall in no case exceed eighteen months. The United States Attorney may release you from supervision at any time. The United States Attorney may at any time within the period of your supervision initiate prosecution for this offense should you violate the conditions of this supervision and will furnish you with notice specifying the conditions of your program which you have violated.

If, upon completion of your period of supervision, a pretrial diversion report is received to the effect that you complied with all the rules, regulations and conditions above-mentioned, no prosecution for the offense set out on page 1 of this Agreement will be instituted in this District, and any indictment or information will be discharged.

Neither this agreement nor any other document filed with the United States Attorney as a result of your participation in the pretrial diversion program will be used against you except for impeachment purposes, in connection with any prosecution for the above-described offense.

#### CONDITIONS OF PRETRIAL DIVERSION

1. You shall not violate any law (federal, state, and local). You shall immediately contact your probation officer if

arrested and/or questioned by any law enforcement officer.

2. You shall attend school or work regularly at a lawful occupation or otherwise comply with the terms of the special program described below. In the absence of a special program, when out of work or unable to attend school, you shall notify your probation officer at once. You shall consult him prior to job, school, or address changes.

3. You shall continue to live in this judicial district. If you intend to move out of the district, you shall inform your probation officer so that the appropriate transfer of program responsibility can be made.

4. You shall report to your probation officer as directed.

5. You shall and do hereby agree to repay full restitution and do further agree to enter into a consent order as part of a civil action in which you will suffer judgment for the said amount, plus lawful interest, until the judgment is paid in full. Moreover, you will meet with the members of the Financial Litigation Section of the United States Attorney's Office at their direction, and provide them with full and complete information of all your assets, liabilities, and related financial affairs.

I assert and certify that I am aware of the fact that the Sixth Amendment to the Constitution of the United States

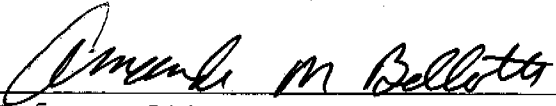
provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial and the right to an attorney. I also am aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information or in bringing a defendant to trial. I hereby request that the United States Attorney for the Southern District of Georgia defer any prosecution of me for violation of Title 38, United States Code, Section 6101, for the period of 12 months, and to induce him to defer such prosecution, I agree and consent that any delay from the date of this Agreement to the date of the initiation of prosecution as provided for in the terms expressed herein, shall be deemed to be a necessary delay at my request and I waive any defense to such prosecution on the ground that such delay operated to deny my rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of 12 months which is the period of this Agreement.

I hereby state that the above has been read and explained to me. I understand the conditions of my pretrial

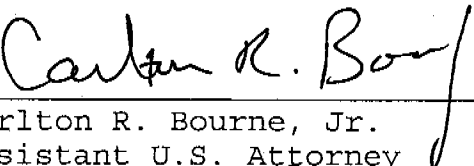
diversion and agree that I will comply with them.

  
Joseph Diggs

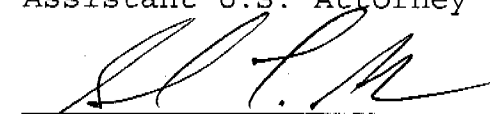
5 Nov 08  
Date

  
Defense Attorney

11/5/08  
Date

  
Carlton R. Bourne, Jr.  
Assistant U.S. Attorney

11/5/08  
Date

  
U.S. Probation Officer

11/5/08  
Date